

***Specification***

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
2. The following titles are suggestion: A seat area with adjustable width, formed from plate blank; A seat area having adjustable width, formed from single sheet material; A seat area having an adjustable gap.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-4 do not properly define the structural limitations of the elements and consequently the structural cooperative relationships of elements. Excluding the "arches" recited, the limitations in claim 1 do not sufficiently describe the structure that forms the blank because of the following: the recitation "tangents continuing in terminal points" suggests that the edges tangent to the arches' terminal points begin somewhere removed from the terminal points, rather than at the terminal points as is shown by the drawings; the claim omits to which element the "normal lines" are perpendicular to, and as a result the claim does not define the conical areas or the top point with respect to the other elements of the invention; the claim does

not adequately define the location and orientation of the "level plane". Applicant may improve the claim by describing the different configurations of the seat (i.e., initial state, deformed state), the different areas and their intended purpose (i.e., arches form a backrest in deformed state, outer ends extend from arches to form seat bottom in deformed state), etc. Claim 3 lacks the structural relationship between the sleeve-hinge element and the remaining element of the seat. Claim 4 is a duplicate of claim 3. Also, the claims are generally narrative and are replete with grammatical and idiomatic errors, which have resulted in improper antecedent basis for some of the limitations recited.

5. Regarding claims 3 and 4, the term "e.g." renders the claim indefinite because it is unclear whether the limitation following the term is part of the claimed invention. See MPEP § 2173.05(d).

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. As best understood, claims 1, 6/1, 7/1 and 9/1 are rejected under 35 U.S.C. 102(b) as being anticipated by Mauser (US 3014762). Mauser shows a seat comprising one blank having two concentric arches, from the central cut-out 5 and the blank's 1 outer edge, adjacent extending edge 3b with a center angle between 10 and 170 degrees; the axis through the adjacent line of perforations 2 being tangents

continuing in terminal points of the arches; and normal lines of extending edges 3a, 3b; wherein in the blank's deformed condition the normal lines 3a, 3b lie in a conical area with a top point adjacent peak 8 (shown best in Figure 3) and a top point angle of zero degrees; and wherein a vertical symmetry plane of an intersection line 3 (shown in Figure 2) forms an angle between 15 and 90 degrees with a horizontal level plane of a lower seat portion. The seat is formed as an elastic plastic piece (col. 1: 58-61), with rims 6a have a modified from 6 by being bent over (col. 2: 6).

8. As best understood, claims 1 and 8/1 are rejected under 35 U.S.C. 102(b) as being anticipated by Mauser. Mauser shows a seat comprising one blank having two concentric arches, from the central cut-out 5 and the blank's 1 outer edge, adjacent extending edge 3b with a center angle between 10 and 170 degrees; the axis through the adjacent line of perforations 2 being tangents continuing in terminal points of the arches; and normal lines of extending edges 3a, 3b; wherein in the blank's deformed condition the normal lines 3a, 3b lie in a conical area with a top point adjacent peak 8 (shown best in Figure 3) and a top point angle of zero degrees; and wherein a vertical symmetry plane of an intersection line 3 (shown in Figure 2) forms an angle between 15 and 90 degrees with a horizontal level plane of a lower seat portion. The blank is made of a sandwich material comprising a flexible sheet material 9 and upholstery later 10.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3636

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. As best understood, claims 2, 6/2, 7/2 and 9/2 are rejected under 35 U.S.C.

103(a) as being unpatentable over Mauser in view of Saarinen (GB 699608). Mauser shows structure claimed and suggests fastening his seat to a supporting frame; but does not disclose fastening his blank, in at least three points by the normal lines, to a carrying structure. Saarinen shows a seat comprising a blank with normal lines 38b, wherein the blank is fastened by the normal lines 38b in at least three points 48 to the carrying structure 20. Saarinen provides this fastening as an optional means of securing the seat to its carrying structure. So it would have been obvious to a person having ordinary skill in the art at the time of invention to modify Mauser's seat with fastening devices, according to Saarinen's teaching, as an optional means of securing Mauser's seat to its carrying structure. With respect to claims 6, 7 and 9, Mauser's seat is formed as an elastic plastic piece (col. 1: 58-61), with rims 6a have a modified from 6 by being bent over (col. 2: 6).

11. As best understood, claims 2 and 8/2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mauser in view of Saarinen. Mauser shows structure claimed and suggests fastening his seat to a supporting frame; but does not disclose fastening his blank, in at least three points by the normal lines, to a carrying structure. Saarinen shows a seat comprising a blank with normal lines 38b, wherein the blank is fastened by the normal lines 38b in at least three points 48 to the carrying structure 20. Saarinen provides this fastening as an optional means of securing the seat to its carrying

structure. So it would have been obvious to a person having ordinary skill in the art at the time of invention to modify Mauser's seat with fastening devices, according to Saarinen's teaching, as an optional means of securing Mauser's seat to its carrying structure. With respect to claim 8, Mauser's blank is made of a sandwich material comprising a flexible sheet material 9 and upholstery later 10.

12. As best understood, claims 3/1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mauser in view of Kramer (US 3133765). Mauser shows structure claimed with the exception of a hinge-sleeve engagement for providing rocking movement to the seat. Kramer shows a seat comprising a single blank having a rocking-motion device 70 connecting it to its carrying support, wherein the rocking device 70 includes a sleeve 74 engaging with a hinge comprising a disk 82, a stud 84 and an insert 78. So it would have been obvious to one of ordinary skill in the art to modify Mauser's seat with a rocking-motion device, as taught by Kramer, in order to improve the resilience, and thereby the comfort, of the seat.

13. As best understood, claims 3/2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mauser and Saarinen as applied to claim 2 above, and further in view of Kramer. Mauser and Saarinen shows structure claimed with the exception of a hinge-sleeve engagement for providing rocking movement to the seat. Kramer shows a seat comprising a single blank having a rocking-motion device 70 connecting it to its carrying support, wherein the rocking device 70 includes a sleeve 74 engaging with a hinge comprising a disk 82, a stud 84 and an insert 78. So it would have been obvious to one of ordinary skill in the art to modify Mauser's seat with a rocking-motion device,

as taught by Kramer, in order to improve the resilience, and thereby the comfort, of the seat.

14. As best understood, claim 5/1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mauser in view of Mattingly (US 6095600). Additionally, as best understood, claim 5/2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mauser in view of Saarinen and in further view of Mattingly.

15. Mauser shows structure claimed, with exception of providing a width adjustment mechanism. Mattingly shows a seat comprising a single expandable flexible seat cushion formed of two forward end sections 20, 22, and a width adjustment device 24; wherein both sections are compatible with each other and are fitted at a place of contact 28, 30 with the width adjustment mechanism 24 which allows the width of the seat to change (Fig. 2, 4). Mattingly provides this adjustment mechanism for allowing an occupant to select the appropriate width according to their comfort needs. Therefore, it would have been obvious to a person having ordinary skill in the art at the time of invention to modify Mauser's seat with a width adjusting mechanism, as taught by Mattingly, in order to provide manual adjust of seat comfort according to the user's preference.

### ***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tania Abraham whose telephone number is 571-272-2635. The examiner can normally be reached on Monday - Friday, 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on 571-272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. A./  
Examiner, Art Unit 3636  
June 6, 2008

/David Dunn/  
Supervisory Patent Examiner, Art Unit 3636